

DUANE MORRIS LLP
By: Gregory P. Gulia
John Dellaportas
1540 Broadway
New York, New York 10036
Tel.: (212) 692-1000

*Attorneys for Defendants
Kasian Franks, Raf
Podowski, Shekhar Lodha,
Favtape.com, and Ryan Sit*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

)
CAPITOL RECORDS, LLC; CAROLINE
)
RECORDS, INC.; VIRGIN RECORDS
)
AMERICA, INC.; COLGEMS-EMI MUSIC
)
INC.; EMI APRIL MUSIC INC.; EMI
)
BLACKWOOD MUSIC; EMI FEIST
)
CATALOG INC.; EMI FULL KEEL MUSIC;
)
EMI GOLDEN TORCH MUSIC CORP.;
)
EMI GOLD HORIZON MUSIC CORP.;
)
EMI GROVE PARK MUSIC, INC.; EMI
)
LONGITUDE MUSIC; EMI MILLER
)
CATALOG INC.; EMI ROBBINS CATALOG
)
INC.; EMI U CATALOG, INC.; EMI VIRGIN
)
MUSIC, INC.; EMI VIRGIN SONGS, INC.;
)
EMI WATERFORD MUSIC, INC.; JOBETE
)
MUSIC CO. INC.; SCREEN-GEMS-EMI
)
MUSIC INC.; STONE DIAMOND MUSIC,
)

Plaintiffs,
)

v.
)

SEEQPOD, INC., FAVTAPE.COM,
)
KASIAN FRANKS, RAF PODOWSKI,
)
SHEKHAR LODHA, and RYAN SIT,
)

Defendants.
)

No. 1:09-cv-01584-LTS

**NOTICE OF DEFENDANTS FRANKS,
PODOWSKI AND LODHA'S MOTION
TO DISMISS AND FOR FEES AND
COSTS**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the annexed Declarations of Kasian Franks, Chandra Shekhar M. Lodha, and Raf Podowski, and all the pleadings and proceedings heretofore had herein, the undersigned, on behalf of defendants Kasian Franks, Chandra Shekhar M. Lodha, and Raf Podowski, will move this Court at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date designated by the Court, for an Order dismissing Plaintiff's Complaint with prejudice, pursuant to Fed. R. Civ. P. 12(b)(2), for lack of personal jurisdiction and awarding Defendants Franks, Lodha and Podowski their attorneys' fees and costs incurred in connection with the making of this, and for such other relief as the Court may deem just and proper.

Dated: New York, New York
April 3, 2009

Respectfully submitted,

/S/
DUANE MORRIS LLP
Gregory P. Gulia
GPgulia@duanemorris.com
John Dellaportas
Dellajo@duanemorris.com
1540 Broadway
New York, New York 10036
Tel.: (212) 692-1000
*Attorneys for Defendants
Favtape.com, Kasian Franks,
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